

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **May 14, 2002**

AGENDA ITEM NO.: **26**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **Public hearing regarding vacating a portion of Old Wards Road**

### RECOMMENDATION:

Adopt an ordinance vacating a portion of Old Wards Road.

### SUMMARY:

Wards Road Properties, Inc., is petitioning the City to vacate a portion of Old Wards Road located from the Lynchburg Expressway approximately 754 feet in a southeasterly direction toward Glass Avenue. The Technical Review Committee's recommended conditions are incorporated into the ordinance. The adjoining property owners, Ryan's Family Steak Houses East, Inc., and Commercial Net Lease Realty, Inc., are in agreement.

### PRIOR ACTION(S):

March 5, 2002: Technical Review Committee Review

May 7, 2002: Physical Development Committee Review

### BUDGET IMPACT:

None

### CONTACT(S):

Pat Kost 847-1443/228

David T. Petty, Jr. 846-2768

### ATTACHMENT(S):

- Ordinance
- Map
- Technical Review Committee Report

### REVIEWED BY:

## AN ORDINANCE VACATING A PORTION OF OLD WARDS ROAD

WHEREAS the City of Lynchburg on its own motion is proposing to vacate a portion of Old Wards Road located from the Lynchburg Expressway approximately 754 feet in a southeasterly direction toward Glass Avenue; and

WHEREAS all adjacent property owners are in agreement to vacating the portion of Old Wards Road located from the Lynchburg Expressway approximately 754 feet in a southeasterly direction toward Glass Avenue; and

WHEREAS City Council finds that no public inconvenience will result from vacating the portion of Old Wards Road located from the Lynchburg Expressway approximately 754 feet in a southeasterly direction toward Glass Avenue;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described portion of Old Wards Road located from the Lynchburg Expressway approximately 754 feet in a southeasterly direction toward Glass Avenue, be, and the same hereby is discontinued and vacated, namely:

That portion of Old Wards Road lying between the southbound lane of U.S. 501 (Lynchburg Expressway) and a line in Old Wards Road, which line is more particularly described by metes and bounds as follows:

The line in Old Wards Road located approximately 754 feet, more or less, southeast of the southbound land of U. S. 501 (Lynchburg Expressway) is described as beginning at an iron pin found at the common corners of J.F.B. Development, LLC, and Ryan's Family Steak Houses, Inc., as recorded in Deed Book 879, Page 188, in the Circuit Court for Lynchburg, Virginia, and running thence in a westerly direction South 82 deg. 08 min. 00 sec. West a distance of 42.48 feet to a point in the northeastern line of Parcel "C", a 0.237 acre tract owned by Wards Road Properties, LC, as recorded in Deed Book 010005344, Page 139, in the Circuit Court of the City of Lynchburg, Virginia.

And which is located approximately 754 feet, more or less, southeast of the same as outlined in yellow on a plat entitled "Plat Showing Division of Ryan's Family Steak Houses, Inc., Property of Wards Road, City of Lynchburg, Virginia" dated July 11, 2001, made by James C. May & Associates, P.C. (original recorded in Lynchburg Clerk's Office in Plat Cabinet 6, Slide 358.

Provided, however, that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division. Approval is granted contingent upon the submission of a plat showing the vacation of the lot line between Tax Map No. 162-30-001 and Tax Map No. 162-30-005, and the lot line between Tax Map No. 162-30-005 and Tax Map No. 162-30-002.

BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified: \_\_\_\_\_  
Clerk of Council

088P



# The City of Lynchburg, Virginia

CITY HALL, LYNCHBURG, VIRGINIA 24505 • (804) 847-1508  
FAX • (804) 845-7830

PLANNING DIVISION

March 11, 2002

TO: Patricia W. Kost, Clerk of Council

FROM: *ARC/bjw-5*  
Annette M. Chergault, Planner II

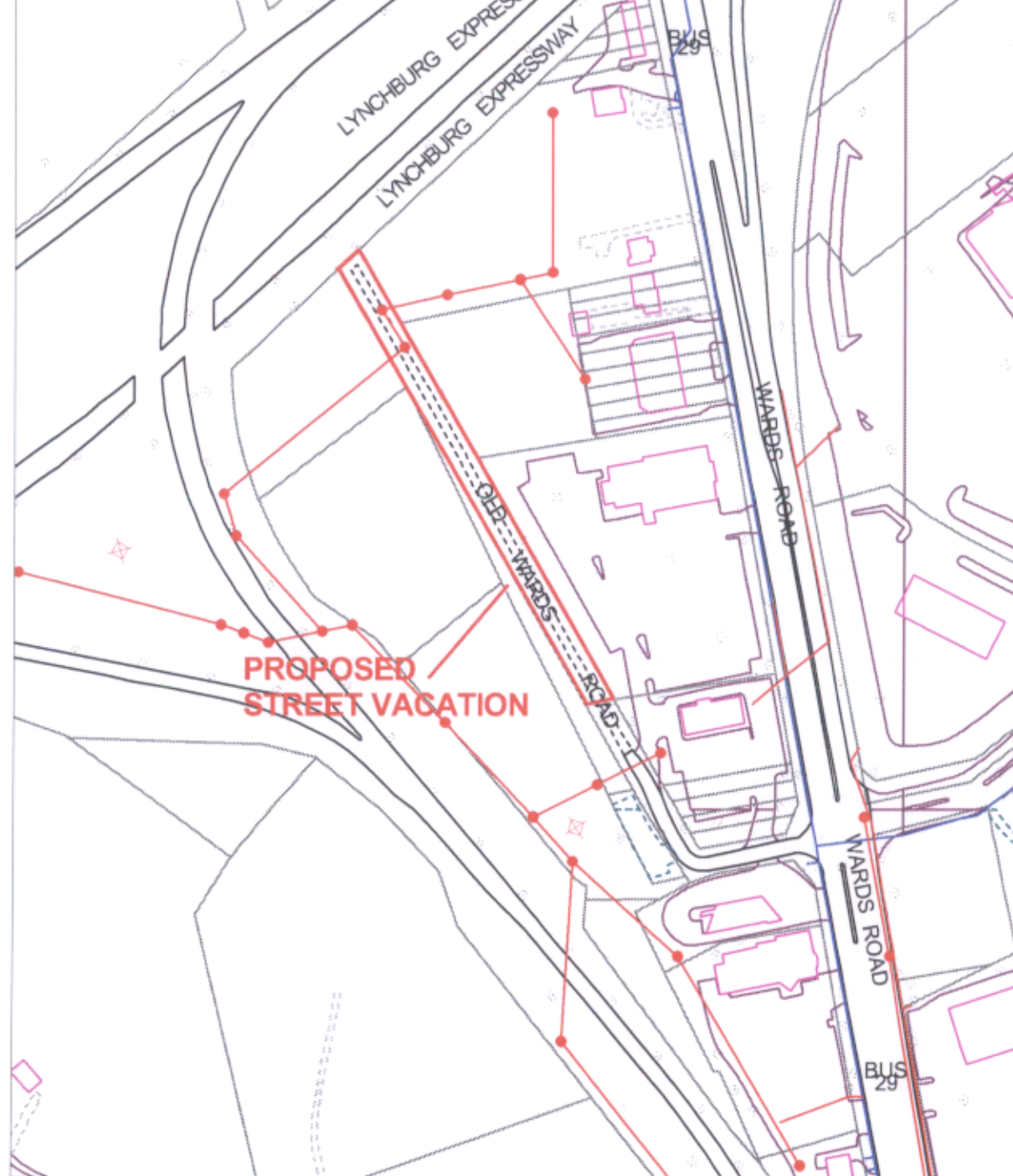
RE: Street Vacation – Portion of Old Wards Road  
Administrative Review: March 5, 2002

On March 5, 2002 the Technical Review Committee (TRC) reviewed a Street Vacation for a portion of Old Wards Road. Following are the comments:

1. The subject project proposes the vacation of a section of Old Wards Road located from the Lynchburg Expressway approximately 825' in a southeasterly direction toward Glass Avenue. Wards Road Properties, LC, has completed an application to vacate this right-of-way, and the matter will be scheduled to be heard by City Council when the paperwork is filed. Contact Patricia Kost, Clerk of Council, at 847-1443 for further information.
2. There are several lots along the subject right-of-way that would be landlocked as a result of the street vacation. In order to vacate the subject street, a plat vacating lot lines must be submitted for review and approval by the TRC. You may contact me for further information.
3. Has the property owner of lots identified on Tax Map #162-30-001, 002 & 005, purchased lot #3 as shown on Tax Map #162-30-003, whereas these lots would be incorporated into one parcel to have street frontage on Old Wards Road? This information is needed to assure there would be no land locked parcels if street right-of-way of Old Wards Road is vacated. This has to be a condition of street vacation.
4. Street vacation should only incorporate the section of street right-of-way that will be obtained by the petitioner from adjacent property owners. This would assure full street right-of-way width for access to entrance to proposed storage facility.

Attachment

pc: Technical Review Committee  
Steven B. Wingfield



# OLD WARDS ROAD

## PROPOSED STREET VACATION

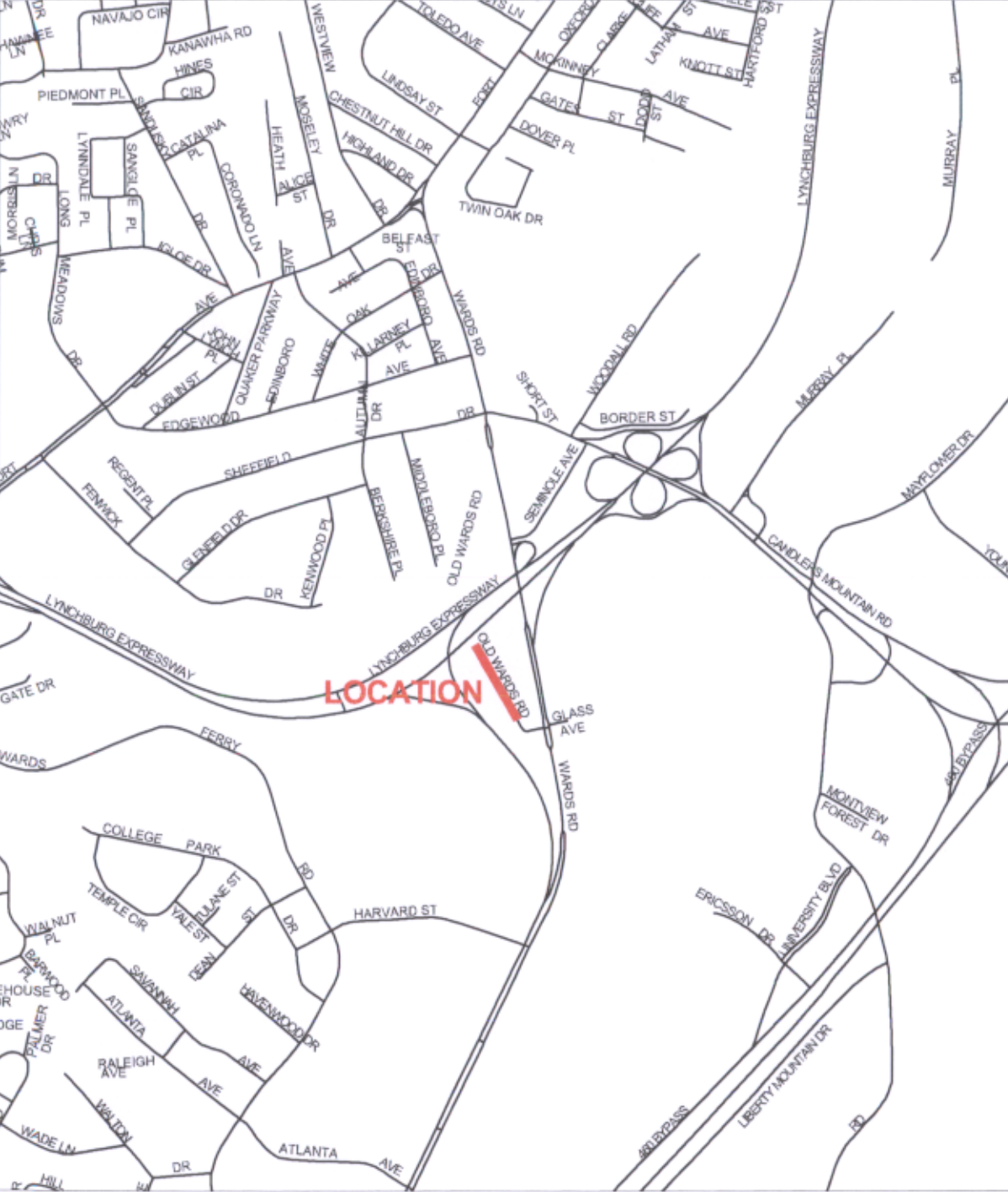
THE CITY OF LYNCHBURG, VIRGINIA



DEPT. OF PUBLIC WORKS

GIS

DESIGNED BY:	DRAWN BY:	SBL	CHECKED BY:
APPROVED BY:	PROJECT NO.:		
SCALE:	N.T.S.		
DATE:	4/22/2002	SHEET	1 OF 2



# OLD WARDS ROAD

## PROPOSED STREET VACATION

THE CITY OF LYNCHBURG, VIRGINIA



DEPT. OF PUBLIC WORKS  
GIS

DESIGNED BY:	DRAWN BY: SBL	CHECKED BY:
APPROVED BY:	PROJECT NO.:	
SCALE: N.T.S.		
DATE: 4/22/2002	SHEET	2 OF 2